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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,572	12/22/2003	Gerard H. ROUSSEAU	117421	1571
27074	7590	02/07/2008		
OLIFF & BERRIDGE, PLC. P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER AFZALI, SARANG	
			ART UNIT 3726	PAPER NUMBER
			NOTIFICATION DATE 02/07/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction27074@oliff.com  
jarmstrong@oliff.com

CT

<b>Office Action Summary</b>	<b>Application No.</b> 10/707,572	<b>Applicant(s)</b> ROUSSEAU, GERARD H.	
	<b>Examiner</b> SARANG AFZALI	<b>Art Unit</b> 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on RCE filed 1/23/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-9 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6 and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 22 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/23/2008 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 6, and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Phillips (US 2,823,402).

4. As applied to claims 1-3, and 5, Phillips teaches a roller assembly (10, Fig. 1), comprising:

an oiling roller (central element 34 and compressible material 38 over the cylindrical sleeve 40, Figs. 2 & 3);

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a roller shaft (22, Figs. 1 & 2) wherein the roller shaft extends an entire length of the oiling roller and the oiling roller is mounted on the roller shaft and about which the oiling roller rotates; and

at least one cap unit (end cap unit 16 including element 36 with flange portion 44 and 46 and end cap unit 18 including element 32 with flange portion 44 and 46, Figs. 1-3) including a substantially identical pair of caps (the pairs 16 & 18) disposed on an end face of the roller shaft, and wherein the at least one cap unit comprises a flange portion (flange portion 44 including 46, Fig. 2) at an end of the at least one cap unit that comes into contact with the oiling roller, and a recess portion (recess portions to accommodate the screw 26 and retainer means 28, Fig. 2) at an opposite ends of the at least one cap unit,

wherein the oiling roller has a porous formed body made of compressible material (38, absorbent resilient material such as lamb's wool, col. 2, lines 39-41).

5. As applied to claim 6, Phillips teaches the roller assembly of claim 1, wherein the at least one cap unit disposed on an end face of the oiling roller can be squeezed (pressed) with an inward force to deflect the roller (compressible material 38 of central element 34), while the roller provides an opposite force lateral load to the end of the at least one cap unit (col. 2, lines 61-67, Fig. 1-3).

Note that Phillips teaches a roller assembly for applying paint, or other liquid substances (col. 1, lines 1-7) and as such, meets the claimed "oiling roller."

6. As applied to claims 15-18, Phillips teaches a roller assembly (10, Fig. 1), comprising:

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an oiling roller (central element 34 and compressible material 38 over the cylindrical sleeve 40, Figs. 2 & 3);

a roller shaft (22, Figs. 1 & 2) wherein the roller shaft extends an entire length of the oiling roller and the oiling roller is mounted on the roller shaft and about which the oiling roller rotates; and

at least one cap unit (end cap unit 16 including element 36 with flange portion 44 and 46 and end cap unit 18 including element 32 with flange portion 44 and 46, Figs. 1-3) including a substantially identical pair of caps (the pairs 16 & 18) disposed on an end face of the roller shaft, and wherein the at least one cap unit comprises a flange portion (flange portion 44 including 46, Fig. 2) at an end of the at least one cap unit that comes into contact with the oiling roller, and a recess portion (recess portions to accommodate the screw 26 and retainer means 28, Fig. 2) at an opposite ends of the at least one cap unit,

wherein the oiling roller has a porous formed body made of compressible material (38, absorbent resilient material such as lamb's wool, col. 2, lines 39-41), and wherein the at least one cap unit compresses the compressible material of the oiling roller where it contacts the oiling roller (col. 2, lines 61-67, Fig. 1-3).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3 and 5-6 rejected under 35 U.S.C. 102(e) as anticipated by Morganti et al. (US 6,728,506) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Morganti et al. in view of Boelkins (US 5,690,738).

As applied to claims 1-3, Morganti et al. teach a roller assembly, comprising:

an oiling roller (31, Figs. 9 and 10);

a roller shaft (perforated, oil distribution tube, not shown, col. 4, lines 32-38)

wherein the roller shaft extends an entire length of the oiling roller and the oiling roller is mounted on the roller shaft and about which the oiling roller rotates; and

at least one cap unit (journal 60, Fig. 9) including a substantially identical pair of caps (journal 60 and 60a, Figs. 9 and 10) disposed on an end face of the roller shaft, and wherein the at least one cap unit comprises a flange portion (flange portion 149 of journal 60, Fig. 9) at an end of the at least one cap unit that comes into contact with the oiling roller, and a recess portion (145, Fig. 9) at an opposite end of the at least one cap unit,

wherein the oiling roller has a porous formed body made of compressible material (felt or the like, col. 1, lines 34-37).

In alternative, if the Applicant does not agree that the "felt" material disclosed by Morganti et al. is a porous body made of compressible material, Boelkins teaches a roller assembly wherein an oiling roller (12) includes a porous and compressible felt cover (54, Fig. 7) in order to facilitate the overall uniformity and controlled dispersion of the liquid (col. 8, lines 18-24).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to have provided Morganti et al. with a porous, compressible felt material as taught by Boelkins in order to provide a suitable roller with an effective and uniform means of releasing oil.

9. As applied to claim 5, Morganti et al. teach a retainer (ribs 150 and 151, Figs. 9 and 10) disposed onto the end of the roller shaft (68, Fig. 4).

10. As applied to claim 6, regarding the limitation the cap "can" be squeezed , a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-3 and 5-6 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarang Afzali whose telephone number is 571-272-8412. The examiner can normally be reached on 7:00-3:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.



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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

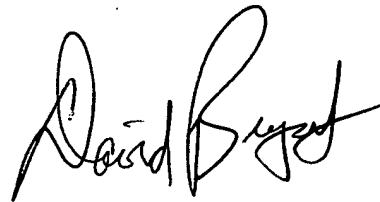
USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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1/30/2008



DAVID P. BRYANT  
SUPERVISORY PATENT EXAMINER

1/31/08